TRANSMITTAL OF APPEAL BRIEF (Large Entity)	Docket No.
	ITL.0702US

In Re Application Of: Harlan T. Beverly

[Stamp: JAN 25 2006]

Application No. 10/054,406	Filing Date January 22, 2002	Examiner Nicholas R. Taylor	Customer No. 21906	Group Art Unit 2141	Confirmation No. 5109

Invention: Removing Data from Contiguous Data Flows

COMMISSIONER FOR PATENTS:

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on
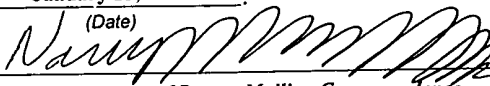
December 20,2005

The fee for filing this Appeal Brief is: $500.00

☒ A check in the amount of the fee is enclosed.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 20-1504

☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

_____
Signature

Timothy N. Trop, Reg. No. 28,994
TROP, PRUNER & HU, P.C.
8554 Katy Freeway, Suite 100
Houston, TX 77024
713/468-8880 [Phone]
713/468-8883 [Fax]

Dated: January 23, 2006

CC:

P30LARGE/REV06

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Applicant:	§	
Harlan T. Beverly	§	Art Unit: 2141
	§	
Serial No.: 10/054,406	§	Examiner: Nicholas R. Taylor
	§	
Filed: January 22, 2002	§	Atty Docket: ITL.0702US
	§	(P13938)
For: Removing Data from Contiguous	§	
Data Flows	§	Assignee: Intel Corporation
	§	

Mail Stop **Appeal Brief-Patents**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
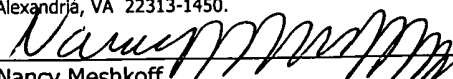
APPEAL BRIEF

TABLE OF CONTENTS

REAL PARTY IN INTEREST

The real party in interest is the assignee Intel Corporation.

RELATED APPEALS AND INTERFERENCES

None.

STATUS OF CLAIMS

Claims 1-32 (Rejected).

Claims 1-32 are rejected and are the subject of this Appeal Brief.

STATUS OF AMENDMENTS

The amendments from the Reply to Final Rejection, filed on November 9, 2005, were not entered.

SUMMARY OF CLAIMED SUBJECT MATTER

In the following discussion, the independent claims are read on one of many possible embodiments without limiting the claims:

1.   A method comprising:

identifying a first data element to be removed from a data stream including other data elements (Figure 2, block 22, page 3, lines 13-14);

writing said first data element into a first buffer (Figure 1, 16) separate from one or more buffers storing the other data elements (Figure 2, block 28, page 4, lines 13-14); and

preventing the first data element from being read from said first buffer (page 4, lines 15-16).

```
         ( STRIP DATA )——20
               │
               ▼
      ┌──────────────────┐
      │ ID ELEMENT TO BE │——22
      │     STRIPPED     │
      └──────────────────┘
               │
      ┌────────┼─────────────────────────┐
      │        ▼                          │
┌──────────┐ ┌──────────────┐             │
│   34     │ │ ACCESS NEXT  │——24         │
│  READ    │ │   ELEMENT    │             │
│ PREVIOUS │ └──────────────┘             │
│ ELEMENT  │        │                     │
└──────────┘        ▼                      │
      │          ╱ STRIP ╲——26            │
      │   YES  ╱  ELEMENT  ╲               │
      └───────╲     ?      ╱               │
               ╲          ╱                │
                   │ NO                    │
                   ▼                       │
          ┌──────────────┐                 │
          │ WRITE ELEMENT │——28           │
          └──────────────┘                 │
                   │                       │
                   ▼                       │
          ┌──────────────┐                 │
          │ READ PREVIOUS │——30           │
          │   ELEMENT    │                 │
          └──────────────┘                 │
                   │                       │
                   ▼                       │
               ╱ LAST ╲——32               │
              ╱ ELEMENT ╲  NO              │
              ╲    ?    ╱───────────────────┘
               ╲      ╱
                 │ YES
                 ▼
              ( END )
```
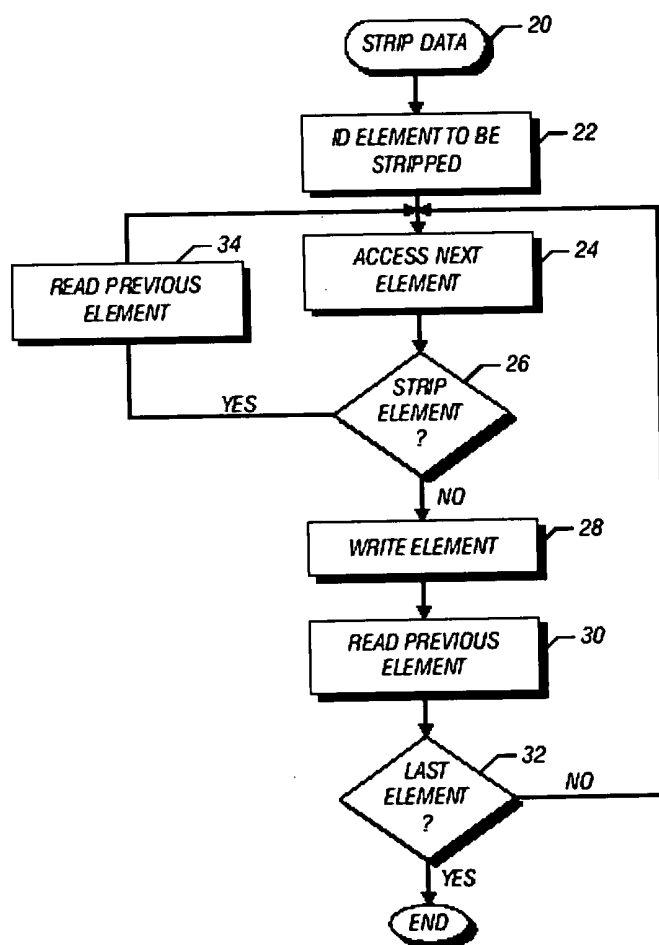
FIG. 2

7

11. An article comprising a medium storing instructions that enable a processor-based system to:

identify a first data element to be removed from a data stream to include other data elements (Figure 2, block 22, page 3, lines 13-14);

write said first data element into a first buffer (Figure 1, 16) separate from one or more buffers storing the other data elements (Figure 2, block 28, page 4, lines 13-14); and

prevent the first data element from being read from said first buffer (page 4, lines 15-16).

21. A system comprising:

a device (10) to receive a plurality of data elements;

a plurality of buffers (16) coupled to said device; and

a control (20) to identify a first data element to be removed from a data stream to include other data elements, to write said first data element into a first buffer separate from one or more buffers storing the other data elements, and to prevent the first data element from being read from said first buffer (Figure 1, page 4, lines 15-16).
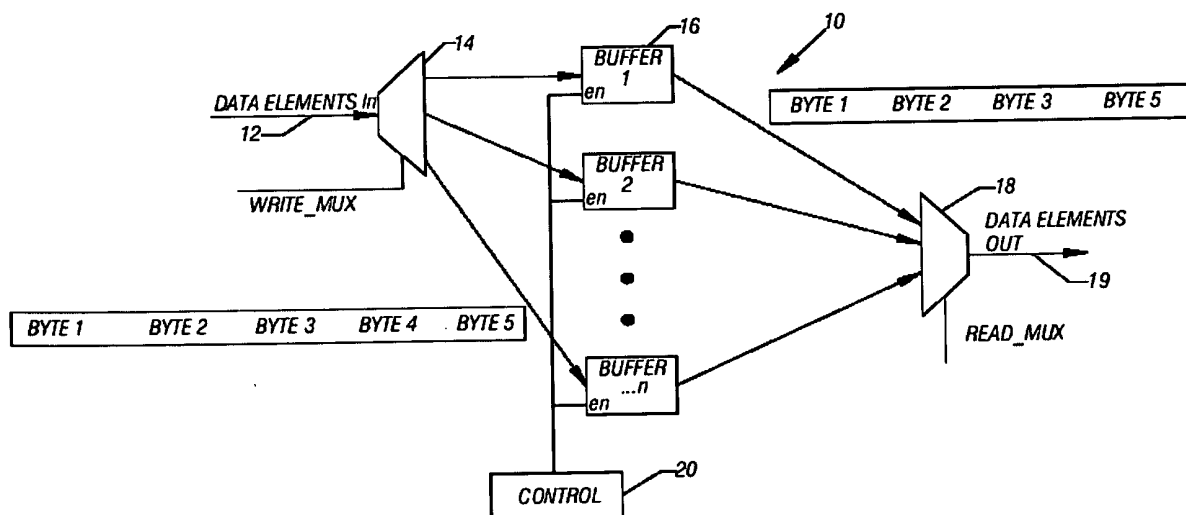

FIG. 1

8

At this point, no issue has been raised that would suggest that the words in the claims have any meaning other than their ordinary meanings. Nothing in this section should be taken as an indication that any claim term has a meaning other than its ordinary meaning.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. Are claims 1-2, 4-9, 11-12, 14-19, and 21-29 unpatentable over Leung and Janoska?

ARGUMENT

A.   Are claims 1-2, 4-9, 11-12, 14-19, and 21-29 unpatentable over Leung and Janoska?

Claim 1 calls, firstly, for writing the first data element into a first buffer separate from one or more other buffers. Secondly, claim 1 calls for preventing the first data element from being read from the first buffer.

Janoska teaches putting data into separate cells. He does not teach preventing the first data element from being read from said first buffer. Thus, without the two steps in combination, the citation of Janoska is ineffective. All Janoska teaches is putting things in different buffers, but he does not teach doing so to prevent the first data element from being read from the first buffer.

Likewise, the citation of Leung, with respect to preventing the first data element from being read from any of the first buffers should be reconsidered because, without the first of the claim steps (writing the first data elements), Leung has no pertinency. It is a combination of the two elements of the claim set forth above that are effective to enable the elimination of a data element such as the VLAN tag. Either one of them alone does nothing pertinent.

There is a total absence of any rationale to combine the two references.
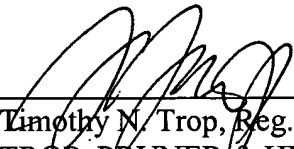
The cited material in Janoska (column 1, lines 57-61) indicates that a need exists for a method and apparatus for buffering data cells in a communication switch that supports varying priority levels wherein the use of limited amount of buffering memory is efficient but able to accommodate occasional large bursts of data. While that may be an aim of the cited Janoska patent, merely putting the elements in separately partitioned buffers does not accomplish that goal and, therefore, Janoska's aim does not provide a rationale to modify Leung. Moreover, the use of varying priority levels is of no interest in the present application or the cited Leung patent. Thus, the provision of varying priority levels would not provide a rationale to combine Janoska with Leung. Neither reference suggests preventing the first data element from being read out from said first buffer. Thus, there is still a missing element.

This preventing step is not taught in Leung because Leung does not even teach writing to separate buffers as already conceded. Therefore, Leung could not prevent data from such a buffer from being read when Leung never taught writing to such a buffer.

Applicant respectfully requests that each of the final rejections be reversed and that the claims subject to this Appeal be allowed to issue.

Respectfully submitted,

Date: <u>January 23, 2006</u>

Timothy N. Trop, Reg. No. 28,994
TROP, PRUNER & HU, P.C.
8554 Katy Freeway, Ste. 100
Houston, TX 77024
713/468-8880 [Phone]
713/468-8883 [Fax]

Attorneys for Intel Corporation

CLAIMS APPENDIX

The claims on appeal are:

1.   A method comprising:

identifying a first data element to be removed from a data stream including other data elements;

writing said first data element into a first buffer separate from one or more buffers storing the other data elements; and

preventing the first data element from being read from said first buffer.

2.   The method of claim 1 wherein identifying a first data element to be removed includes identifying the location of virtual local area network tags within the data stream.

3.   The method of claim 1 wherein preventing the first data element from being read from said first buffer includes preventing said first data element from being written to any of said one or more buffers.

4.   The method of claim 1 wherein preventing the first data element from being read from any of said first buffer includes writing the first data element into the first buffer and then overwriting said first data element in said first buffer with one of said other data elements.

5.   The method of claim 1 wherein writing the other data elements into one or more buffers includes writing the other data elements into one or more other buffers having a size comparable to the size of said first data element.

6.   The method of claim 1 including producing a contiguous uninterrupted output data stream with said first data element removed.

7.   The method of claim 1 including receiving a data stream including said first data element and said other data elements and distributing said other data elements to a plurality of buffers.

8.   The method of claim 7 including reading said other data elements out of said plurality of buffers through a multiplexer to generate a contiguous data stream.

9.   The method of claim 1 including receiving a data unit that includes two data elements, storing one of said two data elements in a first buffer and the other of said two data elements in a second buffer.

10.   The method of claim 9 including outputting one of said two data elements through a first multiplexer and outputting the other of said data elements through a second multiplexer.

11.   An article comprising a medium storing instructions that enable a processor-based system to:

identify a first data element to be removed from a data stream to include other data elements;

write said first data element into a first buffer separate from one or more buffers storing the other data elements; and

prevent the first data element from being read from said first buffer.

12.   The article claim 11 further comprising a medium storing instructions that enable a processor-based system to identify the location of virtual local area network tags within the data stream.

13.   The article of claim 11 further comprising a medium storing instructions that enable a processor-based system to prevent said first data element from being written to any of said buffers.

14.   The article of claim 11 further comprising a medium storing instructions that enable a processor-based system to write the first data element into a buffer and then overwrite said first data element in said buffer with one of said other data elements.

15.   The article of claim 11 further comprising a medium storing instructions that enable a processor-based system to write the other elements into buffers having a size comparable to the size of said first data element.

16.   The article of claim 11 further comprising a medium storing instructions that enable a processor-based system to produce a contiguous uninterrupted output data stream with said first data element removed.

17.   The article of claim 11 further comprising a medium storing instructions that enable a processor-based system to receive a data stream to include said first data element and other data elements and distribute said other data elements to a plurality of buffers.

18.   The article of claim 17 further comprising a medium storing instructions that enable a processor-based system to read said data elements out of said buffers through a multiplexer to generate a contiguous data stream.

19.   The article of claim 11 further comprising a medium storing instructions that enable a processor-based system to receive a data unit that includes two data elements, store one of said two data elements in a first buffer and the other of said two data elements in a second buffer.

20.   The article of claim 19 further comprising a medium storing instructions that enable a processor-based system to output one of said two data elements through a first multiplexer and output the other of said data elements through a second multiplexer.

21. A system comprising:

a device to receive a plurality of data elements;

a plurality of buffers coupled to said device; and

a control to identify a first data element to be removed from a data stream to include other data elements, to write said first data element into a first buffer separate from one or more buffers storing the other data elements, and to prevent the first data element from being read from said first buffer.

22. The system of claim 21 wherein said system is an Ethernet adapter.

23. The system of claim 21 wherein said system to strip virtual local area network tags from said data stream.

24. The system of claim 21 wherein said control to prevent the first data element from being read from any of said buffers.

25. The system of claim 21 wherein said control to write the first data element into a first buffer of said buffers and then overwrites the first data element in said first buffer with one of said other data elements.

26. The system of claim 21 wherein said buffers have a size comparable to the size of said first data element.

27. The system of claim 21 wherein said system produces a contiguous uninterrupted output data stream with said first data element removed.

28. The system of claim 21 including at least one multiplexer coupled to said buffers to store said other data elements.

29. The system of claim 28 including an output multiplexer coupled to said buffers to generate a contiguous data stream.

30.   The system of claim 29 including a pair of output multiplexers, data units received by said device being separated into a least two separated data units, said separated data units being output from different ones of said output multiplexers.

31.   The system of claim 21 wherein the number of buffers equals the data clock size divided by a size of the data elements times the quantity of one plus the number of data elements to be removed.

32.   The system of claim 21 wherein the number of buffers equals the data clock size divided by the data size times the quantity of two plus the number of data elements to be removed.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.